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10/596,344	06/09/2006	Martin Stork	12810-00256-US1	5512
30678 7590 09/18/2009 CONNOLLY BOVE LODGE & HUTZ LLP 1875 EYE STREET, N.W. SUITE 1100 WASHINGTON, DC 20006				
EXAMINER				
MULLS, JEFFREY C				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Art Unit: 1796

Continuation of 11. does NOT place the application in condition for allowance because: Applicants remarks indicating the pending claims are in contradiction to applicants' amendments and it is therefore unclear which claims are cancelled and which are not cancelled and therefore applicants' amendment has not been entered. Applicants remarks pertain to the after FINAL amendment which was not entered except for the objection to the specification under 35 USC 132(a). However, MPEP 201.15 deals with priority and overcoming a reference, not the issue of new matter added to the specification. Preliminary amendments are not considered to be part of the original disclosure since all subject matter must be present on the international filing date. See MPEP 714.01(e) and 1893.03(b).

JCM

9-16-09